

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ERNIE HINES D/B/A COLORFUL MUSIC,

CASE NO. 1:20-CV-03535-JPO

Plaintiff,

v.

BMG RIGHTS MANAGEMENT (US) LLC,
W CHAPPELL MUSIC CORP., SHAWN
CARTER p/k/a JAY-Z, TIMOTHY MOSLEY
p/k/a TIMBALAND, and ELGIN BAYLOR
LUMPKIN p/k/a GINUWINE,

Defendants.

**DECLARATION OF PAMELA BURCHETTE
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

I, PAMELA BURCHETTE, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a legal assistant employed by the law firm Mitchell Silberberg & Knupp LLP, counsel of record for Defendants W Chappell Music Corp. d/b/a WC Music Corp. f/k/a WB Music Corp. (“Warner”), Shawn Carter p/k/a Jay-Z (“Carter”), and Timothy Mosley p/k/a Timbaland (“Mosley”) (collectively, “Defendants”) in the above-captioned action (the “Action”).

2. I make this declaration in support of Defendants’ motion for dismissal of the Action as a matter of summary judgment. Unless otherwise stated, I have personal knowledge of the following facts and, if called and sworn as a witness, could and would competently testify thereto.

3. Attached hereto as **Exhibit A** is a true and correct copy of the registration for the musical composition “Help Me Put Out the Flame (In My Heart)” (“Help Me”), dated December 23, 1969 and bearing Registration No. EU154302 (the “1969 Registration”). I personally obtained this document from the Copyright Office on or about May 2, 2019.

4. Attached hereto as **Exhibit B** is a true and correct photographic copy of the sheet music for "Help Me" that plaintiff Ernie Hines deposited with the United States Copyright Office to obtain the 1969 Registration (the "Help Me Deposit"), which was provided to and maintained in the files of the Library of Congress. I visited the Library of Congress on May 16, 2019 and personally took the photograph copy of the Help Me Deposit attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: November 2, 2022

at Hanover, Maryland.



Pamela Burchette
Pamela Burchette